



NC: 2026:KHC:48333-DB
WP No. 57896 of 2017

CNR: KAHC010176512017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT PETITION NO. 57896 OF 2017 (S-KAT)

BETWEEN:

1. KARNATAKA PUBLIC SERVICE COMMISSION
UDYOG SOUDHA
BENGALURU 560001
REPRESENTED BY ITS SECRETARY

...PETITIONER

(BY SRI. REUBEN JACOB, SENIOR COUNSEL FOR
SRI. PAWAN KUMAR M N., ADVOCATE)

AND:

1. MRS. GEETHA M
W/O KRISHNA LAL S
AGED ABOUT 38 YEARS
WORKING AS POLICE SUB-INSPECTOR
CID FOREST UNIT, BENGALURU
R/AT NO.53, 3RD CROSS,
4TH MAIN ROAD,
NEAR BANK OF INDIA
UAS LAYOUT,
SANJAYNAGAR RMV II STAGE,
BENGALURU 560094.
2. THE INSPECTOR GENERAL POLICE
CID, FOREST CELL, 5TH FLOOR,
KHB COMPLEX,
CAUVERY BHAVAN,

Digitally
signed by
VASANTHA
KUMARY B
K
Location:
HIGH
COURT OF
KARNATAKA



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K.G. ROAD,
BENGALURU 560 009.

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, AGA FOR R2 (MA NOT FILED)
VIDE ORDER DATED 22.08.2024, R1 IS HELD SUFFICIENT
R1-GEETHA.M;
SMT. B.V.VIDYULATHA (TO ASSIST THE COURT AS
AMICUS CURIAE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DTD 04.07.2017 IN APPLICATION
NO.2351/2017 PASSED BY THE KARNATAKA STATE
ADMINISTRATIVE TRIBUNAL VIDE ANNEX-C TO THE W.P. AND
CONSEQUENTLY TO DISMISS THE SAID APPLICATION
NO.2351/2017 FILED BY THE R-1, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

Heard Mr. Rueben Jacob, learned Senior Counsel
appearing for the petitioner-Karnataka Public Service
Commission.

2. Despite service of notice, respondent No.1 did not choose
to appear before this Court and therefore, we requested



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Smt.B.V. Vidyulatha to assist the Court as Amicus Curiae. Having accepted the request of the Court, she has ably assisted the Court in disposal of this writ petition. We place on record our appreciation for her assistance.

3. The present writ petition has been filed by the petitioner the Karnataka Public Service Commission (for brevity '**the KPSC**') impugning the order dated 04.07.2017 passed by the Karnataka State Administrative Tribunal (for brevity '**the KSAT**') at Bangalore in Original Application No.2351/2017 filed by respondent No.1 herein, being aggrieved by the endorsement dated 10.06.2016 issued by the appellant, whereby her candidature for the post of Gazetted Probationers Group A and B Posts in the State of Karnataka, was cancelled on the ground that she did not disclose her candidature, in the online applications filled up by her for preliminary examination and the main examination that she was a Government servant.

4. The respondent No.1 was appointed as Sub Inspector of Police in the State Police Department in the year 2007. The petitioner/KPSC had invited applications vide notification dated



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22.01.2015 for filling up 440 posts of Gazetted Probationers Group A and B, for the year 2014. The respondent made online application for preliminary examination. However, she did not disclose the factum of she being the Government servant in her application and therefore, the center for writing the preliminary examination was allotted, which otherwise, would not have been allotted for her, earlier to posting there. She qualified in the preliminary examination. For main examination she again applied online and for main examination also she withheld the vital information of she being the Government servant.

5. The main examination result was published on 29.04.2016. She was successful in the main examination also. After the main examination result was announced, for documents verification she filled up the Form on 17.05.2016 and for the first time in the said Form, she disclosed of her status as a Government servant and produced 'No Objection Certificate' from the competent authority, to appear in the examination. As the respondent had withheld the important information, which she was bound to disclose in her online applications for preliminary and main examinations, her



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candidature for Gazetted Probationers Post came to be cancelled.

6. Being aggrieved by the said endorsement dated 10.06.2016 issued by the KPSC, she approached the KSAT in Application No.2351/2017 after one year from the date of the endorsement. The Tribunal vide impugned order has allowed the application on a spacious ground, that her omission to disclose the factum of her being a Government servant was an inadvertent mistake inasmuch as while submitting the applications online, there was no opportunity for her to correct the mistake. But while she submitted the physical application on 17.05.2016, she disclosed the fact.

7. Though Smt. Vidyulatha, learned Amicus Curiae has supported the impugned judgment, but considering the fact that had the respondent No.1 disclosed her being the Government servant, she would not have been allotted the center where her preliminary and main examinations were conducted. What is important is the integrity of the examination. If a candidate, with a purpose and oblique motive does not disclose her being a Government servant,



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which results in the allotment of the center where she/he has worked earlier, it would cast doubt on the integrity of the examination. She is not a naive, not to know the consequence of not disclosing her being a Government servant. She was employed as a Sub Inspector of Police in the year 2007 and she had obtained 'No Objection Certificate' from the competent authority to appear in the examination. Despite this, she deliberately withheld the vital information/factum of she being a Government servant. It is only at the time of the document verification she disclosed the fact of her being a Government servant as she enclosed the 'No Objection Certificate' issued to her by the competent authority.

8. It is the bounden duty of a candidate to disclose all relevant information at the time of filing the application. The candidate, who deliberately withholds the vital information is certainly not eligible to be given appointment, though the candidate might have succeeded in the examination. The examination process is complete whole from filing the application till declaration of the result.



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9. We are therefore, of the considered opinion, that non disclosure of the factum of she being the Government servant is vital for her candidature as she did not disclose this vital information, she was not eligible to be appointed and therefore, the KPSC was well in its right to cancel the candidature of the respondent for Gazetted Probationer's Post.

10. The Supreme Court in ***A. P. PUBLIC SERVICE COMMISSION VS. KONETI VENKATESHWARALU AND OTHERS (2005) 7 SCC 177*** has dealt with a similar situation and held that such a mistake cannot be a bona fide mistake by a candidate, while filling up the application form neither it could be an inadvertent mistake on the part of the candidate, nor the act could be a *suppressio veri* and *suggestio falsi*. Paragraph 7 of the said judgment, which is relevant is extracted hereunder:-

"7. We are unable to accept the contention of the learned counsel for the first respondent. As to the purpose for which the information is called for, the employer is the ultimate judge. It is not open to the candidate to sit in judgment about the relevance of the information called for and decide to supply it or not. There is no doubt that the application called for full employment particulars vide column 11. Similarly, Annexure III contained an express



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declaration of not working in any public or private employment. We are also unable to accept the contention that it was inadvertence which led the first respondent to leave the particulars in column 11 blank and make the declaration of non-employment in Annexure III to the application. The application was filled on 24-7-1999, the examination was held on 24-10-1999, and the interview call was given on 31-1-2000. At no point of time did the first respondent inform the appellant Commission that there was a bona fide mistake by him in filling up the application form, or that there was inadvertence on his part in doing so. It is only when the appellant Commission discovered by itself that there was suppressio veri and suggestio falsi on the part of the first respondent in the application that the respondent came forward with an excuse that it was due to inadvertence. That there has been suppressio veri and suggestio falsi is incontrovertible. The explanation that it was irrelevant or emanated from inadvertence, is unacceptable. In our view, the appellant was justified in relying upon the ratio of Kendriya Vidyalaya Sangathan and contending that a person who indulges in such suppressio veri and suggestio falsi and obtains employment by false pretence does not deserve any public employment. We completely endorse this view."

11. We therefore, find substance in the submission advanced by Mr. Reuben Jacob, learned Senior Counsel. Accordingly, we



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allow this writ petition and set aside the impugned order dated 04.07.2017 passed by the KSAT in Application No.2351/2017.

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(H.SHANTHI BHUSHAN)
JUDGE**

NG
CT: SN
List No.: 1 SI No.: 33